

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:07CR34

UNITED STATES OF AMERICA

VS.

KEVIN ANTHONY HARPER

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ORDER

THIS MATTER is before the Court on a letter received from Defendant's counsel, which the Court construes as a motion to amend or correct judgment. The Court has been advised by the United States Attorney that the Government has no objections to the relief sought.

Defendant contends that the Court entered a judgment inconsistent with its rulings on a motion for downward departure relating to punishment on Count Two of the indictment. Counsel also contends that the judgment is inconsistent with the Court's ruling as to punishment on Count One. The Court finds counsel's contentions to be well taken and the judgment will be amended accordingly.

IT IS, THEREFORE, ORDERED that counsel's letter be filed as a motion to amend or correct judgment and the attachments thereto be filed under seal until further order of this Court.

IT IS FURTHER ORDERED that the motion to amend or correct is **ALLOWED**, and the Clerk is directed to prepare an amended judgment as follows:

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 57 months on Count One and 87 months on Count Two, to run concurrently with each other. This imprisonment shall run consecutively to the Defendant's imprisonment under any previous state or federal sentence.

IT IS FURTHER ORDERED that all remaining terms and conditions of the previous Judgment remain in full force and effect.

Signed: December 20, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

